



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,404	01/30/2004	Sven Schwerin-Wenzel	103580.00025/2002P10176	3784
54975	7590	05/18/2010		
HOLLAND & KNIGHT LLP				
10 ST. JAMES AVENUE				
BOSTON, MA 02116-3889				
EXAMINER				
STRODER, CARRIE A				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
05/18/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/768,404

Applicant(s)

SCHWERIN-WENZEL ET AL.

Examiner

CARRIE A. STRODER

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 24-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on 01 April 2010, wherein:

Claims 1-5 and 24-29 are currently pending;
claims 6-23 were previously cancelled;
claims 1 and 3 are currently amended; and
claims 24-29 are new.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 April 2010 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanches (US 20030018510), in view of Kirby et al. (US 20040024629).**

Referring to claim 1:

Sanches teaches
executing, via two or more source systems as a single logical information system pre-change due diligence and post-change integration of the enterprise change, the enterprise change being at least one of a merger and acquisition, the source systems interacting with databases through base system connectors using a markup language (paragraphs 30, 48, 55, & 191; where "web-based platform" implies the use of the internet, which is interpreted as treating two or more source systems as a

single logical information system and where a "source system" is interpreted as a "client system" in accordance with paragraph 31 of the applicant's specification and where the use of the web implies the use of markup language, as HTML is a markup language and one of the popular document formats of the web and "A client's MECA implementation runs on a collection of industrial database, application, and telephony servers in an ultra-secure data center."); and

displaying a user interface on a computer display to conduct a merger activity, wherein the user interface includes features to define a merger and acquisition project from a merger and acquisition template, the features including (paragraphs 143 and 149; "templates for new actions" and "M&A, restructuring, or re-structuring, or re-organization challenges");

creating a task force and assigning team members to the task force (paragraph 40; "define and track group membership");

generating a schedule for the task force to follow (paragraph 291; "scheduling and monitoring the progress of Task objects");

generating project proposals to be completed by the task force (paragraph 55; "create, browse, and manage action plans");
and

publishing information about the task force, schedule, and project proposals to one or more stakeholders (paragraph 55; "...sends key communications and action items to initiative participants via their preferred communications methods...").

Sanches does not teach; however, Kirby teaches a project management tab (paragraph 42; "project tab").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Sanches by using tabs as taught by Kirby because this would provide a manner in which to organize the software, thereby providing the user with an easy-to-use user interface.

Referring to claim 2:

Sanches teaches wherein the user interface is adapted to allow a stakeholder to plan and manage the merger activity, the user interface further adapted to allow a user to access one or more merger resources (paragraphs 50 & 55).

Referring to claim 3:

Sanches teaches
executing, via a single logical physically distributed information system representing one or more source systems of at least two enterprises that are being combined, one or more pre-merger activities, merger activities, and post-merger activities, the source systems interacting with databases

through base system connectors using a markup language (paragraphs 30, 48, 55, & 191; where "web-based platform" implies the use of the internet, and where a "source system" is interpreted as a "client system" in accordance with paragraph 31 of the applicant's specification and where the use of the web implies the use of markup language, as HTML is a markup language and one of the popular document formats of the web and "A client's MECA implementation runs on a collection of industrial database, application, and telephony servers in an ultra-secure data center."); and

providing displaying a user interface on a computer display to access the single logical physically distributed information system, wherein the user interface includes features to define a merger and acquisition project from a merger and acquisition template, the features including (paragraphs 55, 143 and 149; "templates for new actions" and "M&A, restructuring, or re-structuring, or re-organization challenges"):

creating a task force and assigning team members to the task force (paragraph 40; "define and track group membership");

generating a schedule for the task force to follow (paragraph 291; "scheduling and monitoring the progress of Task objects");

generating project proposals to be completed by the task force (paragraph 55; "create, browse, and manage action plans"); and

publishing information about the task force, schedule, and project proposals to one or more stakeholders (paragraph 55; "...sends key communications and action items to initiative participants via their preferred communications methods...").

Sanches does not teach; however, Kirby teaches a project management tab (paragraph 42; "project tab").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Sanches by using tabs as taught by Kirby because this would provide a manner in which to organize the software, thereby providing the user with an easy-to-use user interface.

Referring to claim 5:

Sanches teaches wherein the role of the user further comprises a stakeholder affected with one or more merger closing consequences, wherein the one or more merger activities comprise an organizational restructuring, a personnel redeployment, a merger project management, a procurement management, a personnel retainment, and an integration of operational services (paragraphs 50 & 58; where "managers" is interpreted to include

a stakeholder affected with one or more merger closing consequences).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanches (US 20030018510), in view of Kirby et al. (US 20040024629), and further in view of Marpe.

Referring to claim 4:

Sanches and Kirby do not teach; however, Marpe teaches wherein the user interface is adapted to at least one of a role of the user and a phase of the merger, wherein the user role comprises an internal expert and an external expert of one of the enterprises, wherein the internal expert comprises at least one of an executive, an employee, a manager, an investor, and an owner of one of the enterprises, wherein the external expert comprises at least one of a consultant and an auditor (paragraphs 6-7 and 245-246).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Sanches and Kirby as taught by Marpe because this would provide a user interface adapted to the needs of the user.

5. Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanches (US 20030018510), in view of Kirby et al. (US 20040024629), and further in view of Chatterjee et al. (US 7162691).

Referring to claims 24 & 27:

Sanches and Kirby do not explicitly teach; however, Chatterjee teaches wherein the markup language is extensible markup language (Abstract).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Sanches and Kirby as taught by Chatterjee because this would comply with commonly used standards on the internet.

Referring to claims 25 & 28:

Sanches and Kirby do not explicitly teach; however, Chatterjee teaches wherein the base system connectors include an interface with remote function call capability (col. 2, lines 46-57).

Referring to claims 25 & 29:

Sanches and Kirby do not explicitly teach; however, Chatterjee teaches wherein the interface is an encapsulated postscript interface (col. 5, line 35 thru col. 6, line 15).

Response to Arguments

1. Examiner specifically withdraws the objections under 35 USC 103 and 35 USC 101.
2. Examiner thanks applicant for his specific citation of support for the amendments to the claims.

Art Unit: 3689

3. Applicant's arguments with respect to claims 1-5 and 24-29 have been fully considered but are not persuasive.

Applicant states that Sanches and Kirby do not disclose the limitation "executing, via two or more source systems represented by a single logical information system, a pre-change due diligence and post-change integration of the enterprise change, the enterprise change being at least one of a merger and acquisition, the source systems interacting with databases through base system connectors using a markup language." Examiner respectfully disagrees. Examiner points to paragraphs 30, 48, 55, & 191 of Sanches, where "web-based platform" implies the use of the internet, which is interpreted as treating two or more source systems as a single logical information system and where a "source system" is interpreted as a "client system" in accordance with paragraph 31 of the applicant's specification and where the use of the web implies the use of markup language, as HTML is a markup language and one of the popular document formats of the web and "A client's MECA implementation runs on a collection of industrial database, application, and telephony servers in an ultra-secure data center."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689